

ber now the case of a man who for nearly two years had the chief control in a neighboring city; and who ruled it with a sway as despotic as ever a Sultan ruled in the East. I remember the authority he arrogated to himself, from the highest functions of the State down to the most trifling matters that a chambermaid would overlook. I remember well how grey-headed men of my own county, men who have helped make the State, men who have lived long and useful lives, and had been going to Baltimore city from their boyhood, have been put to the trouble of waiting by the score in his ante-chamber, for his mightiness to grant them the privilege of carrying out a few pounds of sugar, and could then only obtain it after he had tested their loyalty by administering the loyal oath. I remember how foolish women were treated for pinning a piece of red and white ribbon in their bosom, or dressing their children in the forbidden colors of the rebellion. I remember how women, equally foolish, were punished for attempting to fret some underling officer by playing secession music in their hearing. What would Robert Ely, or the dead McPherson have said about that if they had been in the satrap's place? They would have passed it by. They would not have heard the music or seen the ribbon. But this gentleman was so intensely loyal that he introduced in the State a policy of degradation such as was never witnessed in any civilized country embraced within the limits of peaceful rule.

What was the upshot of this loyalty? These people were not loyal enough for him, and they could not be allowed to stay in Maryland; but the upshot was that while exercising his stern loyalty in administering tests to poor weak people he had his arms up to the armpits in the public treasury. And now Mr. Colonel Fish, as the reward of his villainies practiced under the guise of loyalty, is serving out his sentence in a penitentiary in the North.

That, sir, is a sample of the loyalty that requires test oaths—that abuses good citizens who perform their duties, and are we to blush because we are not loyal enough to come up to that same high standard. He is not alone. Col. Fish is not the only one who, by virtue of his political associations can offend with impunity.

[The half-hour having expired, the hammer fell.]

MR. EDELEN. I do not rise for the purpose of discussing this question at length. I desire merely to call the attention of the house to the course that has been pursued upon this question in the different States of this Union in corroboration of the points just made by my friend from Prince George's (Mr. Belt;) that the universal practice, at least so far as my investigation has gone, in the States of this Union has been to make

these oaths of office as simple and concise as possible; that in no instance to which my investigations have directed me have I found a single instance where the oath was retrospective in its operation, retroactive, looking back to the past history of the man to enter the office and whom the oath is supposed to purge.

I will not consume the time of the convention by reading from the book of the "constitutions" these oaths. I have here the oath of New Jersey, which will be found on page 157, of Connecticut, page 136, Rhode Island, page 125, and Maine, on page 43. I will simply turn to the constitution of Connecticut and read the oath of office there. It is almost exactly the same in these different States:

"You do solemnly swear, (or affirm as the case may be,) that you will support the constitution of the United States, and the constitution of the State of Connecticut, so long as you continue a citizen thereof, and that you will faithfully discharge, according to law, the duties of the office of ——— to the best of your abilities. *So help you God.*"

There the oath stops. The sole purpose of the oath is to put the party under the solemn obligation of the sanctity of an oath, that he will during the term of his incumbency discharge the duties of the office upon which he is about to enter in honesty and to the best of his ability. That is all. I submit to my learned friend from Baltimore city (Mr. Stirling,) as a lawyer, that I believe in my soul that all these separate clauses of the oath which he proposes to incorporate into the constitution of Maryland would, on a proper case being made before the supreme court, be declared null and void, as in conflict with the provision of the federal constitution, which is in these words:

"No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility."—Art. 1, section 10.

That term "*ex post facto* law" has a wider signification than some gentlemen assign to it. It means any retrospective law, any law having a retroacting operation, punishing as a crime to-day that which was yesterday committed. The gentlemen will say we do not intend to do that. But I beg gentlemen of the convention to look at it in this light. I say it is precisely the thing you are attempting to do, and which will be the legitimate consequence of your work. You are doing just this thing—just as if you were to say here to-night—"Be it enacted by this convention in solemn convention assembled, that every man who has ever in his life directly